

City of Houston, Texas, Ordinance No. 2008-_____

AN ORDINANCE AMENDING ARTICLE IX OF CHAPTER 2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO APPRAISALS FOR SALES OR LEASES OF CITY REAL PROPERTY; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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WHEREAS, City Council, to expedite and reduce the costs of property disposals, seeks to raise the property value above which the City is required to obtain two independent appraisals for real estate sales or leases; and

WHEREAS, City Council also seeks to revise the method of appointing real estate appraisers, and to establish performance standards for receiving subsequent appraisal assignments; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That Subsections (c) and (d) of Section 2-240 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(c) In any sale, lease or disposal of real estate for which the fee value is estimated to be at least \$1,000,000, the city shall receive a minimum of two appraisal reports from qualified appraisers recommended by either the director of public works and engineering or director of general services for the purpose of determining fair market value prior to completion of the transaction.

(d) In any sale, lease or disposal of real estate for which the fee value is estimated to be less than \$1,000,000, the city shall receive a minimum of one appraisal report from a qualified appraiser, who may be a city employee, for the purpose of determining fair market value prior to completion of the transaction.”

Section 2. That the caption of Section 2-241 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

**DRAFT NOT YET APPROVED
BY THE CITY ATTORNEY**

“Appointment of appraisers.”

Section 3. That Subsections (a) and (b) of Section 2-241 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(a) The city council directs that the appointment of appraisers shall be from a current list of qualified appraisers who have applied to receive appraisal assignments from the city. Appraisers with repeated performance violations including refusal of assignments, untimely delivery of appraisals, inadequate documentation, inadequately supported market values, etc. may be removed from the list of qualified appraisers.

(b) The city council hereby delegates to the director of public works and engineering and any authorized deputy or assistant director, and the director of general services and any authorized deputy or assistant director the authority to perform the functions contemplated in this section and to develop and maintain policies and procedures for real property appraisals.”

Section 4. That Subsection (d) of Section 2-241 of the Code of Ordinances, Houston, Texas, is hereby redesignated as Subsection (c).

Section 5. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 6. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore,

this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor.

PASSED AND APPROVED this ____ day of _____, 2008.

Mayor of the City of Houston

Prepared by Legal Dept. _____

Assistant City Attorney

Requested by Michael S. Marcotte, P.E., DEE, and Issa Z. Dadoush, P.E.

L.D. File No. _____